

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF MISSISSIPPI
SOUTHERN DIVISION

ORIN ELEUTERIUS

PLAINTFF

V.

CIVIL ACTION NO.1:06CV647 LTS-RHW

STATE FARM FIRE AND CASUALTY COMPANY

DEFENDANT

ORDER

In accordance with the Memorandum Opinion I have this day signed, it is hereby

ORDERED

That the motion *in limine* [71] of State Farm Fire and Casualty Company is **GRANTED IN PART** and **DENIED IN PART**;

That the State Farm “Wind Water Claims Handling Protocol” and “Catastrophe Wind and Hail Study Guide” will be admissible in the liability phase of the trial of this action if the plaintiff can establish that the document being offered was applicable to the adjustment of his individual claim or the category of claims that includes his individual claim;

That the plaintiff will be permitted to express his opinion on the value of his insured property, but the plaintiff will not be permitted to testify concerning the conversations he had with his neighbors concerning the sale price of their properties;

That the plaintiff will be permitted to describe what he heard during the storm, but the plaintiff will not be permitted to characterize or express the conclusion that the wind he heard is comparable to that which would have been made by a tornado, and I hereby instruct plaintiff’s counsel to notify the plaintiff that when he testifies about what he heard during the storm he is not to state this conclusion or to describe what he heard in these terms;

That evidence concerning the actions of State Farm in handling other claims or in obtaining or using engineering reports for other claims will be excluded;

That the plaintiff’s motion *in limine* [64] is hereby **GRANTED**, and no evidence will be admitted and no testimony will be permitted concerning the plaintiff’s having received any form of public financial assistance since Hurricane Katrina.

SO ORDERED this 19th day of June, 2007.

s/ L. T. Senter, Jr.
L. T. Senter, Jr.
Senior Judge